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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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26389	7590	04/22/2004	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			RIOS CUEVAS, ROBERTO JOSE	
			ART UNIT	PAPER NUMBER
			2836	

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/815,388	<b>Applicant(s)</b> MCMILLAN	
	<b>Examiner</b> Roberto J Rios	<b>Art Unit</b> 2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on amendments filed on 12/29/2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-27 and 29-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claim 35 is objected to because of the following informalities: the claim recites an electric power distribution conductor for providing electric power from said alternate electric power source and an alternate electric power distribution conductor for providing electric power from said main electric power source. It is believed the claim should recite: "an electric power distribution conductor for providing electric power from said main electric power source and an alternate electric power distribution conductor for providing electric power from said alternate electric power source". Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Schnackenberg (US patent 6,172,432).

As per claim 1, Schnackenberg et al (herein after Schnackenberg) teach a method for distributing electric power, the method comprising: distributing electric power from a main electric power source (110) and an alternate electric power source (170) to

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a plurality of selector sites (Figures 1a, 1b); providing a plurality of selectively energizable independent signal lines to respective selector sites; and selectively activating one of said signal lines to independently selectively energize a signal-controlled selector at a selector site associated with said one of said signal lines to selectively supply electric power from said alternate electric power source or from said main electric power source to a load circuit (col. 2, lines 39-59).

As per claim 8, Schnackenberg teaches providing overload current protection (CB B1) to said load circuit when electric power is supplied to said at least one load circuit from said alternate electric power source (Figure 1b).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-6, 9, 10, 12-14, 16-21, 23-26 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schnackenberg in view of Kern et al (US patent 6,181,028).

As per claim 2, Schnackenberg teaches distributing electrical power but does not specifically disclose conducting current on an electric power distribution conductor proximate to said plurality of selector sites. However, Kern teaches a method for distributing electric power comprising conducting current on an electric power distribution conductor (108) in proximity to a plurality of selector sites (Figures 2, 3).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Schnackenberg's electric power distribution arrangement with Kern's housing and base arrangement for the purpose of mounting and enclosing the automatic transfer switching arrangement in a single integral housing.

As per claim 3, Kern teaches supporting said electric power distribution conductor and said plurality of selector sites on a base (22).

As per claim 4, Kern teaches supporting a plurality of signal lines on said base to permit a plurality of signal lines to carry control signals to respective signal-controlled selectors (Figures 2, 3).

As per claim 5, Schnackenberg teaches producing at least one control signal for selectively activating said signal lines (col. 2, line 51).

As per claim 6, Schnackenberg teaches a controller supported on a PCB base operable to produce said at least one control signal (col. 12, line 21).

As per claim 9, Kern teaches providing a plurality of overload current protection mounting sites in proximity to corresponding selector sites to provide for mounting and connection of overload protection devices in series with said alternate electric power source and respective selector sites (Figure 2).

As per claim 10, Schnackenberg teaches an apparatus for distributing electric power to a load circuit from a main electric power source (110) and an alternate electric power source (170), the apparatus comprising: an electric power distribution conductor for providing electric power from said alternate electric power source; a load circuit selector site for supplying power from said main electric power source and said electric

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power distribution conductor of said alternate electric power source (Figures 1a, 1b); and a signal-controlled selector (single pole, double throw relay), wherein said signal-controlled selector is operable to selectively connect the load circuit to said main electric power source or to said electric power distribution conductor in response to a control signal that need not be supplied by said alternate electric power source (col. 2, line 27). Schnackenberg does not specifically disclose a base; said electric power distribution conductor and said load circuit selector site supported by said base; and said signal-controlled selector installed at said load circuit selector site. However, Kern teaches an apparatus for distributing electric power to a load circuit comprising a base; said electric power distribution conductor and said load circuit selector site supported by said base; and said signal-controlled selector installed at said load circuit selector site (Figures 1-3).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Schnackenberg's electric power distribution arrangement with Kern's housing and base arrangement for the purpose of mounting and enclosing the automatic transfer switching arrangement in a single integral housing.

As per claim 12, Schnackenberg teaches a plurality of selector sites each having an associated signal-controlled selector and a plurality of signal lines for individually carrying said control signals to said signal-controlled selectors for individual and independent activation of said signal-controlled selectors (Figures 1a, 1b).

Schnackenberg does not specifically disclose said plurality of signal lines supported by a base. However, Kern teaches an apparatus for distributing electric power to a load

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circuit comprising a base; wherein a plurality of signal lines is supported by a base (Figures 1-3).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Schnackenberg's electric power distribution arrangement with Kern's housing and base arrangement for the purpose of mounting and enclosing the automatic transfer switching arrangement in a single integral housing.

As per claim 13, Schnackenberg teaches a controller (55) for providing said control signals for controlling said signal-controlled selectors.

As per claim 14, Schnackenberg teaches said controller comprising a microprocessor circuit (55) for determining which signal-controlled selectors are provided said control signals (col. 2, line 51).

As per claims 16 and 17, Schnackenberg teaches at least one overload current protection device associated with said load circuit selector but does not specifically disclose at least one overload current protection mounting site on said base site to provide for mounting of said overload current protection device. However, Kern teaches at least one overload current protection device associated with a load circuit selector, wherein at least one overload current protection mounting site is provided on said base for mounting of said overload current protection device (Figures 1-3).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Schnackenberg's electric power distribution arrangement with Kern's housing and base arrangement for the purpose of mounting and enclosing the automatic transfer switching arrangement in a single integral housing.

As per claim 18, Schnackenberg teaches said overload current protection device comprising a circuit breaker.

As per claim 19, Kern teaches said base supporting a plurality of overload current protection mounting sites associated with separate respective load circuits (Figure 3).

As per claim 20, Schnackenberg teaches a plurality of signal-controlled selectors. Kern teaches each of the plurality of signal-controlled selectors being installed in a respective load circuit selector site (Figure 3).

As per claim 21, Schnackenberg teaches a controller (55) for providing respective control signals to said plurality of signal-controlled selectors.

As per claims 23 and 24, Schnackenberg teaches at least one overload current protection device associated with said load circuit selector but does not specifically disclose at least one overload current protection mounting site on said base site to provide for mounting of said overload current protection device. However, Kern teaches at least one overload current protection device associated with a load circuit selector, wherein at least one overload current protection mounting site is provided on said base for mounting of said overload current protection device (Figures 1-3).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Schnackenberg's electric power distribution arrangement with Kern's housing and base arrangement for the purpose of mounting and enclosing the automatic transfer switching arrangement in a single integral housing.



As per claim 25, Schnackenberg teaches an electric power distribution system comprising: a first power distribution apparatus (130) for distributing power to individual load circuits from a main power source (110); and a second power distribution apparatus (180) adjacent said first apparatus (Figure 1a), said second apparatus having an electric power distribution conductor for providing electric power from an alternate electric power source (170) and a plurality of load circuit selector sites (Figures 1a, 1b), said second power distribution apparatus being operable to supply power from said main electric power source and said electric power distribution conductor to signal-controlled selectors of said load circuit selector sites, at least a portion of said signal-controlled selectors being connected for activation independent of other ones of said signal-controlled selectors to allow power to be supplied from said electric power distribution conductor to only a selected portion of said individual load circuits.

Schnackenberg does not specifically disclose providing the apparatus components on a base. However, Kern teaches an electric power distribution system, wherein components of an apparatus for power distribution from either a main electric power source or an alternate electric power source are positioned on a base (Figures 1-3).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Schnackenberg's electric power distribution arrangement with Kern's housing and base arrangement for the purpose of mounting and enclosing the automatic transfer switching arrangement in a single integral housing.

As per claim 26, Schnackenberg teaches an apparatus for distributing electric power to a plurality of load circuits from a main electric power source (110) and an

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alternate power source (170), the apparatus comprising: means for providing electric power from said alternate electric power source; and means for supplying power from said main electric power source and from said means for providing electric power from said alternate electric power source to a device for selectively supplying power from said main electric power source to all of said plurality of load circuits or alternatively supplying power from said means for providing electric power from said alternate electric power source to any selected portion of said plurality of load circuits (Figures 1a, 1b). Schnackenberg does not specifically disclose providing the apparatus means on a base. However, Kern teaches an electric power distribution system, wherein components of an apparatus for power distribution from either a main electric power source or an alternate electric power source are positioned on a base (Figures 1-3).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Schnackenberg's electric power distribution arrangement with Kern's housing and base arrangement for the purpose of mounting and enclosing the automatic transfer switching arrangement in a single integral housing.

As per claim 33, Schnackenberg teaches means (CB B1) for providing overload current protection to said load circuit when electric power is supplied to said load circuit from said alternate electric power source (Figures 1a, 1b).

As per claim 34, Schnackenberg teaches at least one overload current protection device associated with said load circuit selector but does not specifically disclose at least one overload current protection mounting means on said base to provide for mounting of said overload current protection device. However, Kern teaches at least

one overload current protection device associated with a load circuit selector, wherein at least one overload current protection mounting site is provided on said base for mounting of said overload current protection device (Figures 1-3).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Schnackenberg's electric power distribution arrangement with Kern's housing and base arrangement for the purpose of mounting and enclosing the automatic transfer switching arrangement in a single integral housing.

As per claim 35, Schnackenberg teaches an apparatus for distributing electric power to a load circuit from a main electric power source (110) and an alternate electric power source (170), the apparatus comprising: a plurality of load circuit selector sites; an electric power distribution conductor for providing electric power from main electric power source to said plurality of load circuit selector sites; an alternate electric power distribution conductor for providing electric power from said alternate electric power source to said plurality of load circuit selector sites (Figures 1a, 1b); and a plurality of selectively actuatable independent signal lines extending to respective said load circuit selector sites to carry independent control signals to respective said load circuit selector sites to facilitate independent selective energization of signal-controlled of said load circuit selector sites to cause load circuits associated with respective selector sites to selectively receive power from said main electric power source or from said alternate electric power source (col. 2, lines 27-50). Schnackenberg does not specifically disclose providing the apparatus components on a base. However, Kern teaches an electric power distribution system, wherein components of an apparatus for power distribution

from either a main electric power source or an alternate electric power source are positioned on a base (Figures 1-3).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Schnackenberg's electric power distribution arrangement with Kern's housing and base arrangement for the purpose of mounting and enclosing the automatic transfer switching arrangement in a single integral housing.

6. Claims 7, 15, 22, 27 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schnackenberg in view of Ishikawa (US patent 5,423,684).

As per claims 7, 15 and 22, Schnackenberg teaches a controller for selectively controlling the signal-controlled selectors but does not specifically disclose a connector for receiving said control signals from a remotely located controller. However, Ishikawa teaches a power-switching unit comprising a connector for receiving control signals from a remotely located controller (col. 1, line 56).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Schnackenberg's electric power distribution arrangement with Ishikawa's connector arrangement for the purpose of allowing the signal-controlled selectors to be remotely activated by a remote controller.

As per claim 27, Schnackenberg in view of Kern teaches the apparatus comprising a base but does not specifically disclose said base comprising a printed wiring board (PWB) and traces on said PWB. However, Ishikawa teaches a power-

switching apparatus comprising a base comprising a PWB and traces on said PWB (col. 1, line 35).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Schnackenberg in view of Kern's electric power distribution arrangement with Ishikawa's PWB for the purpose reducing the size of the apparatus.

As per claim 29, Schnackenberg teaches a plurality of selector sites (180) comprising signal-controlled selectors (Figure 1a) but does not specifically disclose providing a plurality of mounts and traces arranged on a PWB for facilitating mounting of a respective signal-controlled selector. However, Ishikawa teaches providing a plurality of mounts and traces arranged on the PWB (Figure 3) for facilitating mounting of a signal-controlled selector (col. 3, line 42).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Schnackenberg's electric power distribution arrangement with Ishikawa's PWB arrangement for the purpose reducing the size of the apparatus and permitting selective connection of functional components to selectively form any one of a plurality of designs of apparatus.

As per claim 30, Schnackenberg teaches means for carrying control signals to said plurality of respective signal-controlled selectors (Figure 1b).

As per claim 31, Schnackenberg teaches means for providing at least one control signal for controlling at least one signal-controlled selector (col. 2, lines 39-59).

As per claim 32, Schnackenberg teaches a controller for selectively controlling the signal-controlled selectors but does not specifically disclose means for receiving said control signals from a remotely located controller. However, Ishikawa teaches a power-switching unit comprising a connector for receiving control signals from a remotely located controller (col. 1, line 56).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Schnackenberg's electric power distribution arrangement with Ishikawa's connector arrangement for the purpose of allowing the signal-controlled selectors to be remotely activated by a remote controller.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-10, 12-27 and 29-35 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Communication with PTO**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberto Rios whose telephone number is (571) 272-2056. In the event that Examiner Rios cannot be reached, his supervisor, Brian Sircus may be contacted at (571) 272-2800, ext. 36. The fax number for Before-Final communications and After-Final communications is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
BRIAN SIRCUS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800

Roberto J. Rios  
Patent Examiner